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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,206	11/04/2003	David M. Stravitz	03570/LH	7117
1933 7.	590 03/24/2006		EXAM	INER
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			NOVOSAD, JENNIFER ELEANORE	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/702,206	STRAVITZ, DAVID M.			
Office Action Summary	Examiner	Art Unit			
	Jennifer E. Novosad	3634			
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the o	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING E  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION  136(a). In no event, however, may a reply be tire  I will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 08 I	March 2006.				
,— ,	is action is non-final.				
,					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)  Claim(s) 1-20 and 29-36 is/are pending in the 4a) Of the above claim(s) is/are withdra 5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 1-20 and 29-36 are subject to restrict	awn from consideration.				
Application Papers					
9) The specification is objected to by the Examin	er.				
10)☐ The drawing(s) filed on is/are: a)☐ ac					
Applicant may not request that any objection to the					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)	<b>∆\</b> □   <sub> -1</sub>           - - -	v (PTO 412)			
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview Summar Paper No(s)/Mail D	Date			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06 Paper No(s)/Mail Date		Patent Application (PTO-152)			

Art Unit: 3634

## **DETAILED ACTION**

This restriction requirement is in response to the amendment filed March 8, 2006 by which claims 1 and 5-10 were amended, claim s 21-28 were canceled, and claims 29-36 were added.

It is noted that applicant elected Figures 1-8 in the response (to the species requirement) filed October 20, 2005. *Thus*, this restriction requirement is in addition to the species requirement mailed October 12, 2005, not in place thereof.

## Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10 and 29-31, drawn to a sorter/organizer, classified in class211 subclass 11.
- II. Claims 32-33, drawn to a sorter/organizer, classified in class 211, subclass 11.
- III. Claims 34-36, drawn to a sorter/organizer, classified in class 211, subclass 11.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope

and are not obvious variants, and if it is shown that at least one subcombination is

separately usable. In the instant case, subcombination II has separate utility such as use

without the ledges being arranged at a respective end of the compartments, as in claim 1.

Also, subcombination I has separate utility such as use without the rear wall being

contiguous with the side walls, as in claim 32. See MPEP § 806.05(d).

Art Unit: 3634

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination III has separate utility such as use without the ledges being arranged at a respective end of the compartments, as in claim 1. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as use without reinforcing ribs. Also, subcombination III has separate utility such as use without the rear wall being contiguous with the side walls, as in claim 32. See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

Art Unit: 3634

distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

Art Unit: 3634

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Jennifer E. Novosac Primary Examiner Art Unit 3634

March 22, 2006